

In re application of: Jerald C. Seelig et al.
Serial Number: 10/663,396
Page 2

Reply under 37 CFR § 1.116 – Expedited Procedure
Technology Center 3700

REMARKS

1. Claims 1-7, 9-29, 31-39, 41-51: Claims 1-7, 9-29, 31-39 and 41-51 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. 6,764,396 in view of Frank et al. Applicants respectfully traverse this rejection based on the discussion below regarding the terminal disclaimer involving claims 1-7, 9-29, 31-39 and 41-48 and the remarks concerning claims 49-51.

Applicants request withdrawal of the obviousness-type double patenting rejection involving claims 1-7, 9-29, 31-39 and 41-48 in view of the terminal disclaimer (PTO/SB/26) filed in a previous response dated December 15, 2004 (and resubmitted with the present response).

The Examiner has indicated that the Terminal Disclaimer has been disapproved based on the contention that this agent is not authorized to represent the assignee. Applicants hereby submit a new Power of Attorney tying the Customer Number 21707 directly to the current application, USSN 10/663,396, where I am listed as an authorized representative of the assignee (PAIR system print outs for Customer Number 21707 and corresponding Customer Number match for USSN 10/663,396 enclosed).

Applicants respectfully request entry of the previously filed Terminal Disclaimer in response to this rejection and reassert that the agent replying to this Office Action is an authorized representative of the assignee as confirmed by USPTO PAIR system records and the new Power of Attorney.

In addition, Applicants respectfully submit that claims 49-51 are not subject to the obviousness-type double patenting rejection asserted by the Office against claims 1-7, 9-29, 31-

In re application of: Jerald C. Seelig et al.
Serial Number: 10/663,396
Page 3

Reply under 37 CFR § 1.16 – Expedited Procedure
Technology Center 3700

39 and 41-48. Claims 49-51 do not involve “media” or a “media dispenser” that are the basis for the Office’s obviousness-type double patenting rejection over U.S. 6,764,396 in view of Frank et al. Therefore, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection regarding claims 49-51.

2. **Claims 8, 30, 40:** Claims 8, 30 and 40 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims “7, 27 and 37” of U.S. 6,764,396 [Applicants assume the reference to indicated claims (7,27,37) is a typographical error and that claims 1-20 were actually intended by the Office] in view of Frank et al. and further in view of Bouedec. Applicants respectfully traverse this rejection and request withdrawal of the obviousness-type double patenting rejection in view of the terminal disclaimer (PTO/SB/26) filed in a previous response dated December 15, 2004 (and resubmitted with the present response).

The Examiner has indicated that the Terminal Disclaimer has been disapproved based on the contention that this agent is not authorized to represent the assignee. See discussion above regarding filing of new Power of Attorney to establish this agent as authorized representative of the assignee.

3. **Request for Clarification regarding Status of Preliminary Amendment (entered 12-29-03):** Agent for Applicants originally contacted the Examiner in early December 2004 (telephonic) regarding status of the indicated Preliminary Amendment. Applicants respectfully request that the Office confirm that the subject matter (Figures 15-18 and changes to original paragraphs 65, 66 and 67 in the Specification) of the Preliminary Amendment in question does

In re application of: Jerald C. Seelig et al.
Serial Number: 10/663,396
Page 4

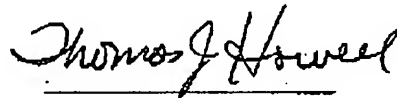
Reply under 37 CFR § 1.116 – Expedited Procedure
Technology Center 3700

not raise any new matter issues. Confirmation that there is no outstanding new matter issue would be greatly appreciated due to the relationship of this application to copending counterpart applications.

If the Examiner has any questions regarding this response, the Examiner is encouraged to call the Applicants' Agent, Thomas J. Howell, at (775) 826-6160.

Respectfully submitted,

June 15, 2005



Thomas J. Howell, Ph.D.
Agent for Applicants
Registration Number: 34,351